

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814



September 25, 1975

ALL-COUNTY LETTER NO. 75-200

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: INDO-CHINESE REFUGEE ASSISTANCE PROGRAM

REFERENCE: ALL-COUNTY LETTER NO. 75-131

This All-County Letter is to provide further policy instruction on the Indo-Chinese Refugee Assistance Program.

General Information

The Indo-Chinese Refugee Assistance Program, as established under the Indochina Migration and Refugee Assistance Act of 1975 and implemented by the Department of Health, Education, and Welfare through SRS-AT-75-27, is intended to be a special assistance program for aiding Indo-Chinese refugees, rather than being an extension of the AFDC program. For the purpose of implementing a program immediately to meet the needs of the Vietnamese and Cambodian refugees, SRS has adopted particular aspects of the AFDC program which states and counties are required to use as the basis for aiding refugees (i.e., AFDC need standard, AFDC income and resource tests).

In turn, the DBP has taken the federal instructions on the Indo-Chinese Refugee Assistance Program and has refined federal policy to meet California's needs (i.e., breaking up extended families into smaller FBU's). Also, particular policies and procedures of the AFDC program have been adopted in order to implement the general guidelines of the program established in SRS-AT-75-27.

Sponsorships

As a result of changes in federal policies on sponsorship breakdowns and the providing of financial and medical assistance, the following policies should be followed by the county welfare department in verifying the needs of a refugee who has applied for assistance and in granting assistance.

OBSOLETE

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As previously stated in All-County Letter 75-131, the sponsors will continue to assume specific responsibilities as a moral obligation. However, it may occur that the need for financial assistance will arise when the material needs of the refugee exceed the assistance which is being provided by the sponsor or when the sponsorship breaks down completely. Therefore, financial assistance should be viewed as necessary supplemental assistance in instances in which the sponsor continues to meet some of the needs of the refugee, maintains the personal relationship with the refugee and helps in orientation and seeking employment. Financial assistance will be based on the refugee's needs.

It will no longer be necessary for county welfare departments to verify a complete breakdown in sponsorship in all cases as part of the process of granting financial assistance. Instead, the county welfare department will document those needs of the refugee which are being met by the sponsor as well as those needs which remain unmet. As part of the regular process of determining the amount of assistance to be provided to a refugee, the county welfare department shall contact the local sponsor and inquire as to the assistance which is being provided to the refugee. This information shall be taken into account by the county welfare department in establishing the amount of aid to be granted to an otherwise eligible refugee. This information shall also be entered in the case record.

Although it will no longer be necessary to verify a complete breakdown in every case, in those cases where there is a complete breakdown of the sponsorship and the sponsor is unable or unwilling to meet any of the responsibilities of sponsorship, financial assistance will be granted to the refugee and the complete breakdown will be documented in accordance with instructions provided in All-County Letter 75-131.

County welfare departments will continue to notify national voluntary agencies that a refugee which they have placed with a local sponsor is receiving financial assistance. County welfare departments should detail to the national voluntary agency those responsibilities of sponsorship which the local sponsor can no longer meet, as well as those which the sponsor will continue to provide. The primary contact by the county welfare department for notification of the national voluntary agency will be made either with the national headquarters or a local office of the agency. However, if the primary contact is made with the local office, a copy of the notification will also be sent to the national headquarters of the voluntary agency.

Situations will arise when verification of a complete breakdown or documentation of the unmet needs of a refugee with the sponsor is not possible because the sponsor is unwilling to provide necessary information. In such cases, aid should not be denied because of the lack of cooperation by the sponsor. The refugee's needs and amount of assistance should be determined as accurately as possible based on statements provided by the refugee concerning his needs and the assistance he is receiving from the sponsor. A statement noting that the sponsor was unwilling to provide information as to the assistance he is providing the refugee should be included in the case record.

Early in the refugee resettlement program, a number of refugees were resettled without referral through a national voluntary agency (many with relatives). If such refugees should apply for financial assistance, county welfare departments should contact national voluntary agencies to explore the possibility of the agency accepting responsibility for the refugee and locating a new sponsor. In such cases, it should be noted in the case record that the refugee was resettled without the assistance of a national voluntary agency. If a national voluntary agency assumes responsibility for the refugee, this should also be noted in the case record. If the national voluntary agency secures a new sponsor for the refugee, aid shall be terminated in accordance with All-County Letter 75-131. If the new sponsor is unable to meet all of the needs of the refugee, assistance may be granted based on the unmet needs of the refugee, if the refugee is otherwise eligible.

Indo-Chinese refugees and/or their sponsors should possess documents which identify the national voluntary agency which placed the refugee with the local sponsor. In the event that the refugee and the sponsor are unable to identify the national voluntary agency and do not possess any document which identifies the national voluntary agency, the county welfare department should contact:

Mr. Roger Kelling
Sponsorship Information Office
Camp Pendleton, CA 92055
(800) 422-4254

Since the Sponsorship Information Office is providing this service as a convenience and not as part of their responsibilities, the following procedures should be observed:

- Requests should be confined to the identity of the national voluntary agency.
- Requests should include the full name of the refugee, the local sponsor's name and the address to which the refugee was relocated.
- Requests should be made only after all other avenues of inquiry have been exhausted.

County welfare departments should allow the Sponsorship Information Office at least one full working day to research the refugee's placement and to find out the name of the national voluntary agency which placed the refugee.

Employment

SRS has issued Action Transmittal SRS-AT-75-79 which has set forth the criteria which should be used by states in establishing employment requirements for Indo-Chinese refugees.

Based on the SRS-AT-75-79, the following employment requirements are established for the Indo-Chinese Refugee Assistance Program:

1. Every individual, as a condition of eligibility for aid, shall register with the Employment Development Department for manpower services, training and employment, unless the individual is:
 - a. A child who is under the age of 16.
 - b. A child 16 or older but under 21 years of age who is in school full time.
 - c. A person who is ill or incapacitated.
 - d. A person 65 years of age or older.
 - e. A person whose presence in the home is required because of illness or incapacity of another member of the household.
 - f. A mother or relative of a child under six who is caring for a child.
2. Indo-Chinese refugees are not eligible for the WIN program. Refugees who are referred to EDD for registration will be serviced in the "Mainstream" of employment services provided to the general public.
3. County welfare departments should not use MA 5-95 forms for referring Indo-Chinese refugees to EDD offices for employment services. Indo-Chinese refugees will be referred to EDD for registration using the Form DE 2451. Since this form is also used by counties for Food Stamp Program referrals, the form should be clearly marked to denote that the applicant is an Indo-Chinese refugee who is registering under the requirements of the Indo-Chinese Refugee Assistance Program.
4. Inability to communicate in English does not make a refugee unemployable.
5. All Indo-Chinese refugees who are applying for or receiving aid shall not have refused without good cause to apply for or accept a bona fide offer of employment for which they are qualified and which pays the prevailing wage, during 30 consecutive days immediately prior to the beginning of aid.

Counties may advise refugees who are excluded from employment registration requirement that they may voluntarily register with the Employment Development Department.

Need Standard and Special Needs

All-County Letter 75-131 stated that financial assistance to refugees will be based on the AFDC need standard. Assistance payments under the Indo-Chinese Refugee Assistance Program should be based on the Maximum Aid Payment schedule (EAS 44-315.411).

Aid to meet recurring special needs, as defined in EAS 44-265.111 can be paid to eligible Vietnamese and Cambodian refugees up to the MBSAC. As under the AFDC program, recurring special needs under the Indo-Chinese Refugee Assistance Program are subject to the limitations in EAS 44-315.422 and the conditions specified in EAS 44-265.2.

Vietnamese and Cambodian refugees are eligible to have nonrecurring special needs, as defined in EAS 44-265.112, met under the Indo-Chinese Refugee Assistance Program. Nonrecurring special needs are subject to the limitations and conditions in EAS 44-265.12, .13, .14 and .3.

Nonrecurring special needs under the Indo-Chinese Refugee Assistance Program are intended to meet the needs of the refugee which are the result of a catastrophe occurring after the refugee has been paroled into the United States and released from the resettlement camp or on or after April 8, 1975, whichever is later. Assistance for nonrecurring special needs is not intended to replace items of property which were left in Vietnam or Cambodia due to the evacuation of refugees.

Confidentiality of Records

Case information on Indo-Chinese refugees may be exchanged with national voluntary agencies when such information is provided on a need to know basis for administering the Indo-Chinese Refugee Assistance Program.

WR Forms

The WR 6 Form (Alien Status Report) is not required to be filled out by the county welfare departments for refugees applying for assistance under the Indo-Chinese Refugee Assistance Program. Vietnamese and Cambodian refugees are required to have, as a condition of eligibility, an I-94 card which specifies that they have been paroled into the United States or have been granted voluntary departure by the Immigration and Naturalization Service. The alien registration number on the I-94 card should be noted in the case record.

The WR 2 and WR 7 forms shall be used for eligibility determinations, unless alternate forms are approved by Department of Benefit Payments.

BHI Payments

SRS has stated that federal reimbursement is available for Vietnamese and Cambodian "unaccompanied" children placed in foster care. Unaccompanied children are defined by SRS to be children with no known relatives or established ties with refugees at the camps; children who are with relatives and other persons who indicate that they no longer wish to care for the children and children who are with relatives or other persons but who do not wish to remain with these relatives or other persons or where there is suspicion that these children are being retained against their will. (SRS Information Memorandum 75-20). The state's foster care regulations shall be applied in providing placement and assistance to unaccompanied children placed in foster care with families.

Families accepting Vietnamese and Cambodian unaccompanied children must be licensed for foster care or have applied for a license, as required in EAS 44-323.11. SRS has stated that federal reimbursement is not available for payments made on behalf of children placed in homes of families which are not licensed or not pending the approval of an application for a license. Payments for children placed in foster family homes shall be made at the rate established in the county in which the home is located (EAS 44-221).

Income and Resources

All regulations in the following chapters of the EAS Manual are to be applied to the Indo-Chinese Refugee Assistance Program, unless specific exceptions are made by All-County Letter 75-131 or this letter:

1. Chapter 42-200 - Property
2. Chapter 44-100 - Income
3. Chapter 44-200 - Need
4. Chapter 44-300 - Aid Payments

Jewelry and Heirlooms - Under EAS 42-211.259, heirlooms, wedding rings and engagement rings are to be excluded from property which is included in the personal property reserve limitations. For the purpose of the Indo-Chinese Refugee Assistance Program, this exclusion is extended to bracelets, earrings and necklaces which are associated with the marriage ceremony. These items, as well as rings, may be given individually or in combination as part of the marriage ceremony. County welfare departments should ask refugees to designate the items of jewelry which would fall into this category.

Refugees may also possess items of value which are considered by the refugee to be heirlooms. County welfare departments should attempt to determine whether the objects are items belonging to the refugee's family or religious heritage and whether they carry any real sentimental value to the refugee. Based on this determination, county welfare departments should use their discretion in establishing whether such possessions of the refugee are to be considered heirlooms.

Payment Periods - EAS 44-305.22 provides that aid payments of AFDC families shall be delivered semi-monthly. In the Indo-Chinese Refugee Assistance Program, the decision to make aid payments on a semi-monthly basis is optional to the county.

Payments for Children in Foster Care - EAS 44-323.4, criteria for federal eligibility, is not applicable to the Indo-Chinese Refugee Assistance Program.

Budget Period - Prior month budgeting shall be used in the Indo-Chinese Refugee Assistance Program for computing grants. (EAS 44-315.6)

The Family Budget Unit - Regulations governing the composition of FBU for the AFDC program are not to be applied to the Indo-Chinese Refugee Assistance Program. Instructions provided in All-County Letter 75-131 and this letter are to be followed in determining the composition of the FBU.

Child Support - County welfare departments are required to make child support referrals when the absent parent of the child is identified to be a United States citizen.

Periodic Determinations of Eligibility

AFDC regulations covering periodic determinations of eligibility, EAS 40-181.2, .3, and .4, shall be applied.

Intercounty Transfers

County welfare departments shall use AFDC intercounty transfer procedures when transferring responsibility for eligibility determination and aid payments between counties.

The county which is currently providing aid to a refugee should send to the county to which the refugee is moving, copies of any documentation which verifies either the breakdown of sponsorship of the refugee or the assistance being provided to the refugee by the sponsor and which demonstrates that the national voluntary agency which placed the refugee has been notified. Such documentation will be included in the case file of the county to which the refugee is transferred.

Money From Resettlement Agencies

As mentioned in All-County Letter 75-131, limited financial assistance may be available to Vietnamese and Cambodian refugees from the national voluntary agencies. If such assistance is actually received by the refugee, such assistance should be considered income to the refugee and must be accounted for in computing the refugee's grant.

Aid Codes

The payment code FC has been established for use with aid code 01 for identifying foster care payments under the Indo-Chinese Refugee Assistance Program. No statewide aid code will be established for social services only cases. For accounting and identification purposes, counties may establish their own aid code for social services only cases.

Indo-Chinese Family of an American Citizen (Non-Repatriate)

For families in which one parent is a Indo-Chinese refugee and another parent is a United States citizen, aid shall be provided in the following manner:

- If eligible, the Indo-Chinese refugee parent and his/her children (those not in common with the United States citizen parent) shall be aided under the Indo-Chinese Refugee Assistance Program.

- The otherwise eligible United States citizen and his/her children (those not in common with the Indo-Chinese parent) and the children common to the Indo-Chinese refugee parent shall be aided under the regular AFDC program.

Children who are common to a United States citizen and a Vietnamese or Cambodian national are considered to be United States citizens under 8 USC 1401. It is the policy of the federal government, as stated by INS, that such persons are not recognized as having dual citizenship. A person born of a United States citizen and a Vietnamese or Cambodian national will be considered a United States citizen unless that person takes action to renounce his United States citizenship.

Repatriates

It is recognized that there have not been any repatriates identified to the State through Department of Benefit Payments by the United States Department of State. However, should a United States citizen be classified as a repatriate by the United States Department of State, the following instructions apply.

SRS-AT-75-27 and our All County Letter stated that specific persons who are dependents of repatriated United States citizens are excluded from the definition of a refugee and are to be aided under the Repatriate Program. Counties should verify that the following criteria under the Repatriate Program are met:

- The person is one of the persons specified in All-County Letter 75-131 as being excluded from the Indo-Chinese Refugee Assistance Program.
- The United States citizen meets the eligibility criteria for being a repatriate in EAS 68-103, including identification by the Department of State.
- These excluded persons are actually dependent upon the repatriated United States citizen.

If Vietnamese and Cambodian refugees do not meet all of the criteria above, but do meet the definition of a refugee in All-County Letter 75-131, they should be aided under the Indo-Chinese Refugee Assistance Program.

All regulations in Division 68 of the EAS Manual apply to cases which involve repatriated United States citizens and those dependent Vietnamese and Cambodian persons listed in All-County Letter 75-131, unless such regulations are amended by policies contained in this letter or All-County Letter 75-131.

It should be noted that one of the criteria for being considered a repatriate, is that the United States citizen must have been identified as a repatriate by the United States Department of State. Under regular procedures, the Department of State through DHEW and DBP notifies the county of the repatriated United States citizen. In extraordinary situations, the Department of State will contact the county directly. Unless a United States citizen has been identified by either process above, the citizen does not meet the eligibility criteria of being a repatriate.

SRS has placed a limitation on assistance under the Repatriate Program. Following the first 90 days after their arrival in the United States, those dependents of United States citizens who originally were excluded from the definition of a refugee, but who do otherwise meet the definition of a refugee in All-County Letter 75-131, are eligible to apply for, and if qualified, receive assistance under the Indo-Chinese Refugee Assistance Program.

In the case of Indo-Chinese refugees who are dependents of repatriated United States citizens who are California residents, these refugees should be placed on the Indo-Chinese Refugee Assistance Program if eligible and should not be assisted through the Repatriate Program for the first 90 days after their arrival in the United States.

Case/FBU Composition

Indo-Chinese refugees, 18 through 20 years of age, who do not reside with their parent(s), foster parent(s), a relative caretaker or unmarried brothers and sisters under 21 years of age, are to be aided as separate cases. Where brothers and/or sisters, 18 through 20 years of age, are residing together without parents, foster parents or relative caretaker, such refugees shall be included in the same case.

Questions concerning these and other policies of the Indo-Chinese Refugee Assistance Program should be directed to:

Financial Assistance - Stan Koepke
(916) 445-0813

Medi-Cal - Jane Hill
(916) 322-3462

Food Stamps - Frank Sanchez
(916) 445-6907

Social Services - Hank Ostby
(916) 322-5198

Sincerely,


GARY D. MACOMBER
Deputy Director

cc: CWDA